

# Ivor M. Hughes

Barrister & Solicitor

Patent & Trade Mark Agents  
Canada, United States



Our Ref: PT2063001

Via Courier

April 24, 2006

The Commissioner of Patents  
UNITED STATES PATENT OFFICE  
Customer Service Window, Mail Stop ISSUE FEE  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
U.S.A.

Dear Sir:

Re: United States Patent Application Serial No. 10/774,506  
Applicant: Apotex Pharmachem Inc.  
Title: PROCESS FOR THE PREPARATION OF TETRAHYDROTHIENO [3,2-C]  
PYRIDINE DERIVATIVES  
**CUSTOMER NO. 23607**

Pursuant to the Notice of Allowance dated March 7, 2006, a copy of which Notice is enclosed herewith for your reference, Applicant encloses a cheque in the amount of **\$1,700.00 USD** which comprises \$1,400.00 for the issue fee and \$300.00 for the publication fee. Should there occur an overpayment or an underpayment of fees in respect of this application, the Commissioner is authorized to access Deposit Account Number 08-3255 to make the appropriate adjustments.

Applicant also submits a completed PTOL-85 Issue Fee Transmittal Form.

Also enclosed herewith is a stamped, self-addressed verification card which we request that you date-stamp and return to this office at the earliest opportunity.

**Barristers & Solicitors**

Ivor M. Hughes  
Rick Tuzi

**Patent Agents**

Neil H. Hughes, P.Eng.  
Marcelo K. Sarkis, P.Eng.  
Wm. Kitt Sinden  
Samuel T. Tekie, P.Eng.  
Francis Ng-Cheng-Hin

We thank the Commissioner for his cooperation in this regard and look forward to obtaining an issue fee receipt in this regard.

Respectfully submitted,



Samuel Tekie  
Registration No. 56,839  
Agent for Applicant

ST:mr  
Enclosures

 <b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/774,506	SMYJ ET AL.
	Examiner Niloofer Rahmani	Art Unit 1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 02/10/2004.

2.  The allowed claim(s) is/are 1-13.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
 Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- 1.  Notice of References Cited (PTO-892)
- 2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
- 4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- 5.  Notice of Informal Patent Application (PTO-152)
- 6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
- 7.  Examiner's Amendment/Comment
- 8.  Examiner's Statement of Reasons for Allowance
- 9.  Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Samuel Tekie on 02/28/2006.

2. The application has been amended as follows:

Claim 1 line 12: "DELETE" —alkenyl, alkynyl, or aromatic group—

3. The following is an examiner's statement of reasons for allowance:

Applicant has incorporated all necessary material in the specification.

Thus, obviated the 112, first paragraph rejection. Claims 1-13 are process of using new and non-obvious starting material of formula 6, which are allowable, *In re Ochia 37 USPQ2d 1127* are neither anticipated nor rendered obvious by the art of record.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niloofar Rahmani whose telephone number is 571-272-4329. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

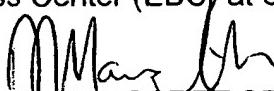
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang, can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NILOOFAR RAHMANI

03/06 /2006

NRL



D. MARGARET SEAMAN

PRIMARY EXAMINER

GROUP 1625

**EXAMINER'S AMENDMENT**

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Art Unit: 1625

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NILOOFAR RAHMANI

03/06 /2006

  
MARGARET SEAMAN

PRIMARY EXAMINER

NL

GROUP 1625